

The Vice-Chairman, Michael Hutson called the meeting to order at 7:30 P.M., on Tuesday, July 17, 2001.

PRESENT: Kenneth Courtney
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

ALSO PRESENT: Mark Stimac
Bob Davisson
Pam Pasternak

ABSENT: Christopher Fejes

Motion by Hutson
Supported by Maxwell

MOVED, to excuse Mr. Fejes from this meeting as he is out of town.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Storrs, Courtney

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF JUNE 19, 2001.

Motion by Maxwell
Supported by Courtney

MOVED, to approve the minutes of the meeting of June 19, 2001 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Storrs, Courtney

MOTION TO APPROVE CARRIED

ITEM #2 – VARIANCE REQUESTED. MR. JAMES HARRIS, 4900 HYDE PARK, for relief to construct a patio enclosure resulting in a 26.4' rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an enclosed patio at his residence. The plans submitted indicate construction of a patio enclosure resulting with a proposed 26.4' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. James Harris was present and stated that his wife has suffered from depression for approximately twenty-two (22) years and has been on medication for this condition. The medication has caused her to lose some muscle tone as well as her sense of

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balance, and in order to help regain this muscle tone and balance, physical therapy has been recommended. Mr. Harris also stated that it has been proven that the loss of light may aggravate some cases of depression. Mr. Harris brought in a letter from his wife's physician stating that although this sunroom was not an absolute necessity in treating her condition, he felt that she could benefit from the use of this room. Mr. Harris further stated that he had spoken to his surrounding neighbors and they do not object to the construction of this room.

Mr. Courtney advised Mr. Harris that full spectrum lighting is very beneficial in the treatment of depression and could be installed in Mr. Harris' home without the sunroom. Mr. Harris stated that besides the lighting, his wife uses a ball as part of her physical therapy to gain strength in her muscles, and this room would give her the space required. Mr. Harris further stated that the room would be built mainly of glass, which would increase the effect of the light.

Mr. Maxwell asked Mr. Harris if he would be willing to downsize the request of this variance and Mr. Harris stated that he had already downsized this room and did not think he would be able to accept anything smaller. Mr. Maxwell expressed concern over the fact that this request was for a very large variance and thought that perhaps something smaller would be more acceptable. Mr. Harris said that the room would completely cover the existing patio and was not willing to change the dimensions.

Mr. Bob George, of Mr. Enclosure, the builder for Mr. Harris was present and stated that originally Mr. Harris had proposed building an 18' sunroom, however, they told him it would be too large and Mr. Harris downsized it to 16'. Mr. George emphasized the fact that Mr. Harris' wife would benefit not only from the extra light provided by this sunroom but by the extra room provided for her therapy. Mr. George further stated that Mr. Harris' home is already 40' from the rear yard setback and therefore, anything he asks for will require a variance.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Maxwell

Supported by Courtney

ITEM #2

MOVED, to deny the request of Mr. James Harris, 4900 Hyde Park, for relief of the Ordinance to construct an enclosed patio at his residence resulting with a proposed 26.4' rear yard setback, where 40' is required.

- Variance request is considered excessive.
- Approval of the variance would have an adverse effect on surrounding property.
- Petitioner did not prove a hardship with the land.

Yeas: 5 – Hutson, Maxwell, Storrs, Courtney, Gies

Nays: 1 – Kovacs

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. ANDY DEANGELIS, 209 PARK, for relief to construct an 18,852 square foot building addition resulting in a rear yard setback of 10' where 20' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an 18,852 square foot addition to the east side of an existing 10,317 square foot industrial building. Section 30.20.09 of the Zoning Ordinance requires a minimum rear yard setback of 20' in the M-1 Zoning District. The site plan submitted indicates that the proposed addition would result in a rear yard setback of 10'.

This item appeared on the Zoning Board of Appeals Agenda of May 1998 and was approved. The petitioner however, failed to secure a Building Permit within 12 months as required by Section 43.85.00 of the Zoning Ordinance.

Mr. Stephen LaClare was present and stated that they had ordered a press back in 1998 and had to cancel the order due to the expense. Since that time, they have found another source and once again ordered a press that is much larger than the one they presently have. Mr. LaClare further stated that the configuration of the site and the addition of more utility lines have limited them to the location of the addition on this site.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing as closed.

There are no written approvals or objections on file.

Motion by Courtney

Supported by Gies

ITEM #3

MOVED, to grant Mr. Andy DeAngelis, 209 Park, relief of the ordinance to construct an 18,852 square foot building addition resulting in a rear yard setback of 10' where 20' is required.

- This variance is not contrary to public interest.
- The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
- This site is isolated at the outskirts of Troy.

Yeas: 6 – Kovacs, Maxwell, Storrs, Courtney, Gies, Hutson

MOTION TO APPROVE CARRIED

Mr. Hutson brought up the fact that recently several members of the Board had attended a seminar for the Board of Zoning Appeals and one of the things that was discussed was the possibility of having an alternate member appointed to cover for vacations and also to sit in when a member felt there might be a "conflict of interest". Mr. Maxwell and Mr. Courtney both stated that they felt it could be very beneficial to the Board to have an extra member available and would like to have City Council appoint an alternate. Mr. Stimac stated that there are currently provisions in the Ordinance, which allows City Council to appoint up to two (2) alternates to serve on this Board. Mr. Storrs pointed out that City Council had appointed an alternate from the Planning Commission to take his place when he cannot come to a meeting.

Mr. Stimac also stated that as long as there was sufficient notice that someone would be unavailable for a meeting an alternate would be a good idea. Mr. Stimac also stated that it would be more difficult to have an alternate at a meeting in case of a "conflict of interest", due to the fact that it would be almost impossible to determine that this condition existed. Mr. Stimac further said that it would be up to City Council to appoint an alternate, and he believed that it could be done from a list of candidates that City Council has in its possession.

Mr. Hutson also asked that the Board of Zoning Appeals application include a section, which would allow members of the Board to go onto the petitioner's property to determine how the variance would affect surrounding property. Mr. Hutson also asked if I.D. cards could be provided to the Board members to identify themselves to property owners. Mr. Stimac pointed out that the permission from the owner is already stated on the application.

Motion by Courtney
Supported by Gies

MOVED, to request that City Council appoint an alternate to serve on the Board of Zoning Appeals.

- Alternate would fill in for absent member, and/or if a “conflict of interest” for a particular case was determined.

Yeas: 6 – Maxwell, Storrs, Courtney, Gies, Hutson, Kovacs

MOTION TO APPROVE REQUEST TO CITY COUNCIL CARRIED

The Board of Zoning Appeals meeting adjourned at 8:18 P.M.

MS/pp